

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

TRACY A. JENSON (and  
others),

Plaintiffs,

vs.

NAT'L AIR TRAFFIC  
CONTROLLER'S ASSOCIATION,

Defendant.

NO. CV-09-0336-LRS

ORDER DISMISSING SECOND AMENDED  
COMPLAINT

Plaintiff is proceeding in this action *pro se*. On December 29, 2009, the Court entered an Order directing the Plaintiff to file an amended complaint, after finding the plaintiff's pleadings failed to meet the minimum requirements of Federal Rule of Civil Procedure 8. On January 12, 2010, the plaintiff filed a timely "First Amended Complaint," Ct. Rec. 8.

On March 15, 2010, the Court issued an Order Dismissing Claims With Leave to Amend, Ct. Rec. 9. Plaintiff timely filed his Second Amended Complaint, Ct. Rec. 10, on April 6, 2010. The Court has reviewed the same, and concludes that the Second Amended Complaint does not comply with the requirements of Fed.R.Civ.P. 8(a).

Plaintiff repeatedly mentions that his claims for alleged wrongs arose during his current or former employment with the federal

1 government, and more specifically employment with the Federal Aviation  
2 Administration ("FAA"). However, Plaintiff has not made his employer  
3 or former employer (the FAA) a defendant. Plaintiff has filed a  
4 letter, Ct. Rec. 11, in which he discloses that he has filed a  
5 complaint "in the Seattle Federal Court against the FAA for violation  
6 of the Equal Pay Act, and that I will request the Seattle court to  
7 transfer that case to Spokane court to consolidate the cases into one,  
8 with two common defendants." Ct. Rec. 11, at 1. Further, Plaintiff  
9 discloses in Ct. Rec. 11 that he is no longer requesting "class  
10 action" status as the FAA has resisted giving Plaintiff contact  
11 information for approximately 160 employees.

12 The record in this case reveals that Plaintiff has previously  
13 been given two opportunities to amend his complaint to bring it in  
14 compliance with federal law and the local rules. The Court is mindful  
15 that the Plaintiff is proceeding *pro se* and that his submissions  
16 should be held to less stringent standards than formal pleadings  
17 drafted by lawyers. However, Plaintiff's pleadings do not comply with  
18 the rules which this Court must apply. The Court has not been  
19 satisfied that jurisdiction and venue are properly stated. Plaintiff  
20 attempts to base the jurisdiction and venue on locations of FAA  
21 control towers and where the Union operates. Plaintiff clearly states  
22 that the FAA and Union are both allegedly "guilty of causing a  
23 violation of the Equal Pay Act." Ct. Rec. 10, at 2. The FAA,  
24 however, is not a named defendant in the instant amended complaint.  
25 Finally, there are no dates in conjunction with the alleged facts for  
26 the Court to review for statute of limitations issues. Plaintiff also  
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1 failed to limited each paragraph to a statement of a single  
2 circumstance, a single claim, or a single allegation pursuant to  
3 Fed.R.Civ.P. 10(b). A paragraph may consist of only one sentence.  
4 Thus the defects of Plaintiff's complaint remain uncured.

5 Given the Court's earlier March 15, 2010 order advising that  
6 dismissal would occur in the absence of compliance, Plaintiff's claims  
7 as set forth in the Second Amended Complaint are **DISMISSED WITHOUT**  
8 **PREJUDICE.**

9 **IT IS SO ORDERED.** The District Court Executive is directed to  
10 enter this Order, forward a copy to plaintiff, enter judgment  
11 consistent with this order, and CLOSE FILE.

12 **DATED** this 15th day of April, 2010.

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14 ***s/Lonny R. Suko***

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16 LONNY R. SUKO  
17 CHIEF UNITED STATES DISTRICT JUDGE  
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